



Participants from Gunbalanya with their certificates following the completion of the September training

# Two Way Learning and Mediation Training in Remote Communities

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The aim of the project was to promote greater awareness of mediation as a way of responding to conflict, and to build practical skills in mediation that complement and support traditional dispute resolution mechanisms. It is hoped that enhanced fast response and culturally tailored

**THE NORTH AUSTRALIAN ABORIGINAL JUSTICE AGENCY (NAAJA) PARTNERED WITH THE COMMUNITY JUSTICE CENTRE ('CJC') WITH FUNDING FROM THE HEALING FOUNDATION TO DELIVER NATIONALLY ACCREDITED MEDIATION TRAINING IN GUNBALANYA/OENPELLI AND LAJAMANU IN SEPTEMBER TO NOVEMBER 2012. WILL CRAWFORD (NAAJA) AND ROHAN THWAITES (CJC) SHARE THEIR EXPERIENCE.**

mediation of issues by community members will lead to a reduction of violent conflict and the resolution of longstanding disputes, with a corresponding reduction in interaction with the criminal justice, health and child protection systems.

The training sessions in both Gunbalanya and Lajamanu were highly successful. The Gunbalanya training involved delivering nine days of training over three separate trips in September, October and November 2012. The retention of participants was excellent as the Gunbalanya project was able to retain nine participants from the original 13. The Lajamanu project involved delivering two days of introductory training for community members and continuing professional development for the two community members who had already attained their qualifications. The engagement and retention in Lajamanu was also excellent in that over 12 participants attended on both days of the training. The Night Patrol in each community was well represented, as were the Kurdiji (the Law and Justice Group comprising of senior leaders and elders) in Lajamanu who sent seven representatives each day.

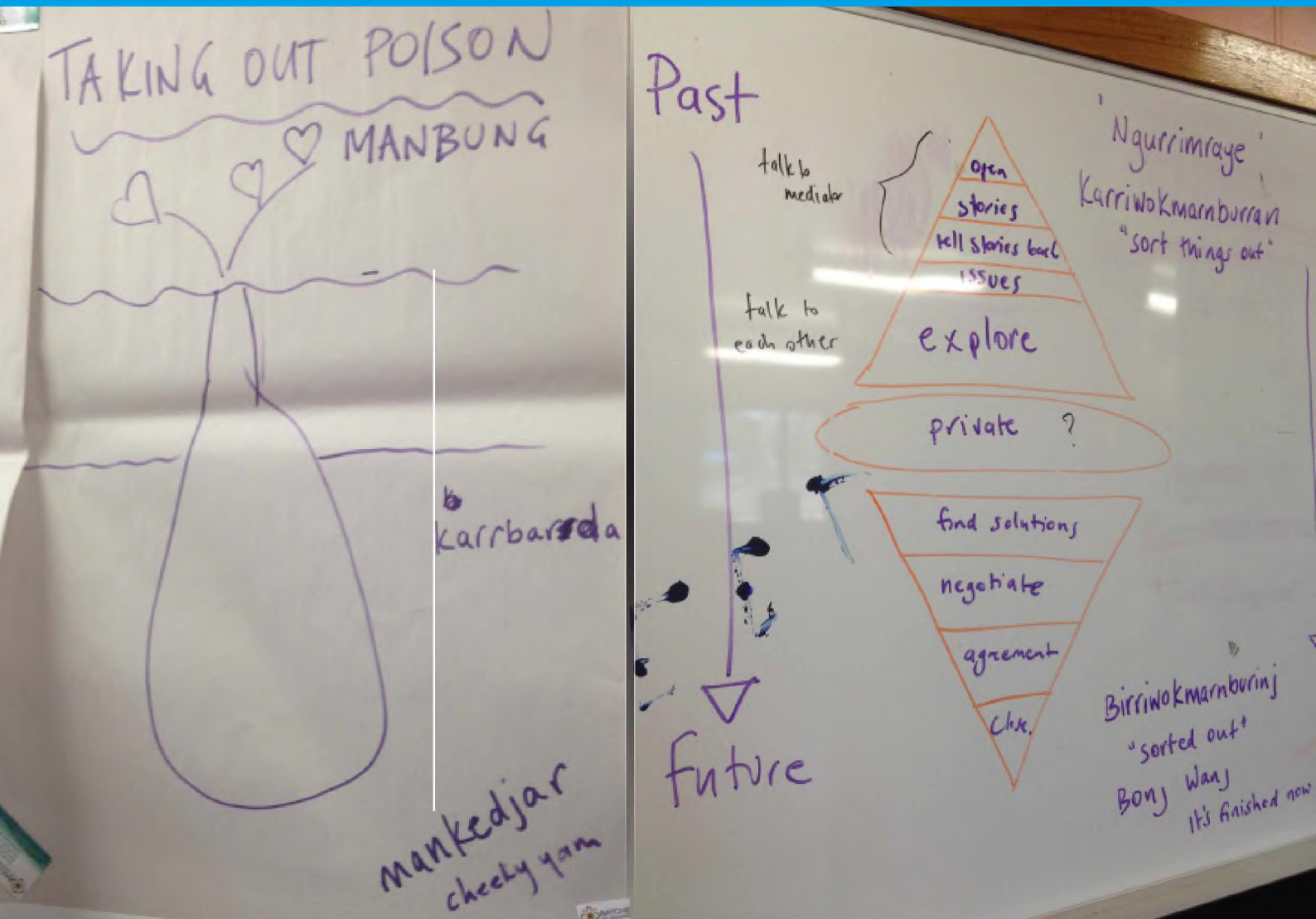
The project commenced in July, when the project team undertook the first of its three scoping visits to each community to introduce the concept of mediation, discuss current community dispute resolution methods; explore the need for additional mediation training and identify and develop relationships with interested senior leaders.



*Jerry Jangala Patrick at the Lajamanu mediation training explaining the Warpiri kinship system and how it determines the right "Ngalkinpa".*

During the scoping and training, the project team facilitated discussions on culturally effective dispute resolution mechanisms, and discussed ways to tailor western mediation to suit local conditions without undermining existing authority structures. This attempt to harmonise pre-existing traditional mediation/dispute resolution practices with contemporary western mediation

both recognised the value of local knowledge, and ways of responding to conflict as well as providing the participants with the opportunity to determine how the training was designed, and what was discussed. The importance of involving Indigenous participants in the design and delivery of mediation training has been noted by several reports and practitioners in this area.<sup>1</sup>



Examples of Bininj words that were used to explain mediation concepts.

The project team endeavoured to adopt adult, bi-lingual and aboriginal learning methodologies by using narrative based scenarios and role plays developed by participants; seeking active two-way sharing of knowledge, and drawing on participants experiences and understanding of kinship and culture to direct how mediations should be conducted and by whom.<sup>2</sup>

In addition to strong participation and retention, there were multiple other successes. Throughout the training participants practiced and demonstrated the skills and competencies taught by acting out and mediating mock disputes. In Lajamanu, a discussion of the

potential for mediation of families of victims with prisoners prior to release led to a referral to the CJC. The Gunbalanya training has prompted much discussion of the formation of a local group with representatives from all three camps to mediate disputes using a hybrid traditional and western model.

The need for locally trained Indigenous mediators in non-urban communities has been recognised by a number of reports and discussion papers on Indigenous mediation. The National Alternative Dispute Resolution Advisory Council (NADRAC) published a report in January 2006 on Indigenous Dispute Resolution

and Conflict Management in which it recognised a need for local dispute resolution services that can be flexible, take account of local needs, and which would be more likely to be utilised than mainstream services provided by non-Indigenous people.<sup>3</sup>

The Federal Court of Australia's 'Solid Work You Mob are Doing' report examined several case studies of Indigenous mediation practice around Australia, and found that

“given the significance of understanding local and regional situations, the training of regional panels of Indigenous



Jerry Janagala Patrick at the Lajamanu mediation training acting as Ngalkinpa when Will Jupurulla Crawford got into a mock fight with Rob Jupurulla Chapman.

practitioners... would significantly enhance the delivery of effective services to Indigenous communities".<sup>4</sup>

Similarly, the Australian Institute of Aboriginal and Torres Strait Islander Studies' Indigenous Facilitation and Mediation Project (IFaMP) recommended the creation of a

"...national fully supported and accredited network of Indigenous facilitators, mediators and negotiators to provide prompt and timely local assistance."<sup>5</sup>

It is hoped that the success of this training, and the work of the Ponki Mediators in Wurrimiyanga, will encourage more investment in local communities to develop 'new Indigenous-specific dispute resolution and conflict management services' as suggested in the

National Alternative Dispute Resolution Advisory Council (NADRAC) report<sup>6</sup> ●

**Endnotes**

1. See for example, the Federal Court of Australia's *Solid Work You Mob are Doing: Case Studies in Indigenous Dispute Resolution & Conflict management in Australia*, p 123 – 126; Loode, Serge 'Navigating the Uncharted Waters of Cross-Cultural Conflict Resolution Education', in *Conflict Resolution Quarterly*, Vol 29, no. 1, Fall 2011
2. See for example, Malcolm Knowles, *The modern practice of adult education: from pedagogy to andragogy*, (Association Press: 1980) 44; Principles of Adult Learning, *Canadian Literacy and*

- Learning Network*, <http://www.literacy.ca/?q=literacy/literacyprofessionals/principle>; Jill Byrnes, Aboriginal learning styles and adult education: is a synthesis possible?" *Australian Journal of Adult and Community Education*, (1993) 33 (3) 158. John Boulemetis, „Characteristics of Adults as Learners are not Culturally Defined", *Adult Learning*, (1999) 11(1) 2.
3. National Alternative Dispute Resolution Advisory Council (NADRAC), *Indigenous Dispute Resolution & Conflict Management*, January 2006, p 6 - 10
  4. *Ibid*, pg 122
  5. AIATSIS Indigenous Facilitation & Mediation Project, *Final Report of the IFaMP July 2003 – 2006: research findings recommendation and implementation*, pg V
  6. *Ibid*, Statement of Principle 3

